THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT APPEAL No.991 OF 2006

29-09-2006

Between:

Grampanchayat, Podili, rep. by its Panchayat Secretary.
……Appellant

And

The Joint Collector, Prakasam District & others.

…..Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT APPEAL No.991 OF 2006

JUDGMENT : (Per Hon'ble Sri Justice Bilal Nazki)

This appeal is filed by Grampanchayat, Podili, against an order dismissing Writ Petition No.15837 of 2006 by the learned Single Judge. The 4th respondent in the writ petition made a request to the M.R.O. for assignment of house site measuring 0.01 ½ cents in Survey No.205 of Podili village. Sarpanch of the Grampanchayat made an application in 2003 to cancel the patta on the ground that the M.R.O. did not publish the notice inviting objections and that 'no objection' from Grampanchayat was not obtained. M.R.O. cancelled the assignment. Respondent No.4 challenged the cancellation of assignment in Writ Petition No.22792 of 2003. This writ petition was allowed and the matter was

remanded back to the M.R.O. M.R.O. decided the matter in favour of respondent No.4 and that action of respondents was challenged by way of Writ Petition No.15837 of 2006.

The learned Single Judge found that the land, which has been assigned to respondent No.4, falls in Survey No.205 of Podili village and it is clear that the site is a poramboke and
does not vest in Grampanchayat in terms of Sections 55 and 58 of A.P.Panchayat Raj Act, 1994. Since the panchayat has no right to hold the land, we do not find anything wrong in the order passed by the learned Single Judge.

Appeal is accordingly dismissed.

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(BILAL NAZKI,
J)

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(NOOTY RAMAMOHANA RAO, J)

29th September 2006

ajr